REMARKS

Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by WO 01/52571 (Jappinen). In particular, the Examiner cites Jappinen at page 5, line 4 – page 5, line 34; page 7, line 28 – page 8, line 13; and the Figures as teaching Applicant's claims. Applicant respectfully disagrees.

At page 5, line 4 – page 5, line 34, Jappinen describes enhanced fault tolerance for an ATM network. To achieve the fault tolerance, Jappinen shows multiple ATM PVC connections between a core network element (3G-SGSN) and an access network element (RNC). A separate ATM interface unit (IU) is provided for each ATM PVC connection in the core network element. Traffic is distributed among the connections and IUs such that in case of a failure in one of the connections or IUs, communication is maintained over the other connections and IUs. Thus, Jappinen describes the transport bearer between the RAN and Core Network and improved fault tolerance of that link with regards to fail-over/switch-over.

Jappinen mentions on page 6, lines 30-34 that in case of a failure in the ATM-PVC connection that the associated PDP context can be rerouted to another ATM-PVC by the SGSN sending a modify RAB request or RAB_Assignment_Request to the RNC. In such a case the SGSN (core network) initiates movement of a context from one ATM _PVC connection to another. This is very different than the RNC initiated RAB negotiation or renegotiation/reconfiguration invention of amended claims 1-6. The RAB is a logical bearer between the core network and a mobile station. The claims recite negotiation/renegotiation of that bearer, by which the RAN initiates the negotiation or renegotiation by sending a RAB Modify Request message to the core network. The message specifies the RAB to be modified (claim 1) and the modification to be made (claim 3). Jappinen does not disclose these limitations of claims 1 and 3.

Jappinen at page 7, line 28 – page 8, line 13 describes known PDP context activation and modification procedures which are negotiated between the core network and mobile station without any RAN involvement. Again, the

present invention of claims 1-3 provides a mechanism for the RAN to initiate negotiation/renegotiation of RAB parameters.

Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,668,175 (Almgren et al.). In particular, the Examiner cites the Abstract; Figures; col. 7, lines 55-63; col. 9 lines 54-65; col. 10, lines 7-55; col. 13, lines 42-55 and the claims. Applicant respectfully disagrees.

Generally, Almgren describes a mechanism to use alternate/multiple RABs whereby the decision to use alternate/multiple RABs is made at the core network. The invention of claims 1-7, on the other hand, recites a method for the RAN to initiate negotiation of RABs or initiate renegotiation of existing RABs. This allows more efficient management of radio resources because the RNC can initiate RAB negotiation or renegotiation based on knowledge of changed radio conditions.

At col. 7, lines 55 – 63, Almgren describes the initiation of traffic flow, which is irrelevant to the method of RAB negotiation/renegotiation as set forth in claims 1-7.

At col. 9, lines 54 –65, Almgren describes how new RABs are negotiated based on information obtained as a result of the core network probing the session. Specifically, Almgren states that if changes in the parameters are recognized as a consequence of a probing of the session, the information is analyzed. If the changes mean there are new characteristics (i.e., parameters) for the session, they are converted into RAB attributes and a new RAB is negotiated. Thus, Almgren describes changes of session parameters detected by the CN at the application level. The invention of claims 1-7, on the other hand, negotiates/renegotiates RAB parameters based on local radio conditions detected by the RAN.

FIG. 2 of Almgren and the associated text describes a node D for establishing, maintaining and releasing RABs in accordance with the method described in Almgren. As described, the method takes place in the node D, i.e., the core network, not the RAN. At col. 10, line 7-23, Almgren describes that the classifier in the node D initiates bearer negotiation by probing the application to detect changes in traffic information. Almgren goes on to describe other

elements in the core network that participate in RAB negotiation/renegotiation. At col. 10, lines 34-38, Almgren mentions that the core network receives information about changes in the radio access network situation, such as more spectrum available or worsening conditions due to bad radio conditions. However, this information does not constitute a RAB Modify request message that identifies the RAB to be modified (claim 1) or that specifies the modification to be made (claims 1 and 3). Rather, the information is used by the radio access bearer manager in the core network to negotiate for a new RAB.

At col. 13, lines 42-55, Almgren describes what it means to have a bearer setup between the core network and the mobile station. It does not address how the RAB, once established, can be renegotiated, with renegotiation triggered by the RAN, or how the RAN can negotiate on the parameters defining the RAB prior to its establishment, as proposed in the invention.

In it not clear which portion or portions of Almgren the Examiner is using to reject claim 7. Almgren clearly does not teach any of the limitations of claim 7.

In view of the foregoing amendments and remarks, it is submitted that independent claims 1, 3 and 7 are allowable. Applicant also submits that dependent claims 2 and 4-6 are allowable by virtue of their dependency on claims 1 and 3, respectively. Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the now pending claims.

Respectfully submitted,
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